

**REMARKS**

The Office Action dated March 8, 2006 has been carefully considered. Claims 1 and 19 have been amended. Claims 4 and 20 have been canceled. Claims 1, 2, 6-19 and 21 are in this application.

The previously presented claims were rejected under 35 U.S.C. § 103 as obvious in view of U.S. Patent No. 5,440,961 to Lucas, Jr. et al. in view of Kaiser. Applicants submit that the teachings of these references do not teach or suggest the invention defined by the amended claims.

In contrast to the invention defined by the present claims, Lucas, Jr. et al. do not teach or suggest that the rails are formed of a material to provide attraction to plastic wrap received over the rail for attracting the plastic wrap and clinging the plastic wrap to the rail. Rather, as noted by the Examiner, Lucas Jr. et al. do not disclose or suggest a material which provides an attraction to the plastic wrap.

Kaiser et al. discloses a roll film dispenser which utilizes a switch-retractable serrated blade to cut film being dispensed. Severance of the film is accomplished by tearing the sheet over the serrated blade. Optionally, an acrylic sheet is used in conjunction with PVC-type films for providing a static cling or electrostatic attraction of the film to the acrylic material just before the blade. As noted in the Declaration of Paul Vegliante submitted herewith it has been found that the use of acrylic does not provide sufficient adhesion of the film to provide an attraction to plastic wrap received over the rails for clinging the plastic wrap to the rails before and after cutting of the plastic wrap by sliding the blade housing within the channel, as defined by the present claims. In contrast, Kaiser et al. use the frictional characteristic of acrylic to optionally hold the plastic wrap during tearing of a sheet with a serrated blade. However, Kaiser et al. do not teach or suggest a pair of rails formed of polyvinyl chloride comprising at least 10% plasticizer for attracting the plastic wrap to the rails before and after cutting.

The invention defined by the present claims teaches a rail providing cohesive cling properties which differs from a rail providing static cling attraction properties as taught by Kaiser et al. Applicants submit that it is known to one of ordinary skill in the art that cling properties provide a cohesive chemical bond which differs from a static cling attraction. Applicants submit

that the materials of the present invention provide improved cling of the plastic wrap to the rail. Further, the use of static is uncontrollable and prone to discharge over time.

There is no teaching, suggestion or motivation in Kaiser et al. to select materials for forming a rail of polyvinyl chloride having at least 10% plasticizer having cling properties to plastic wrap received over the rail because Kaiser et al. teach the use of the application of static cling and it is only in hindsight that the Examiner can suggest that it would be obvious to select the materials of the present claims.

With regard to claims 6, 7 and 9, the Examiner indicated that Boda teaches coextrusion is a process that is well known in the manufacturing of acrylic and other polymers. However, Boda does not teach or suggest coextrusion of a material of polyvinyl chloride having at least 10% plasticizer and a material of rigid vinyl or PVC. The selection of the materials has the advantages of providing a material for a rail having cling properties and a material for a rail base having durability properties. There is no teaching or suggestion of these advantages in Boda.

Further, Urion et al. and Tsai do not teach or suggest coextrusion of a material of polyvinyl chloride having at least 10% plasticizer and a material of rigid vinyl or PVC.

With regard to claim 12, Lucas, Jr. et al. or Kaiser et al. do not teach or suggest that the blade is angled at a 30° angle from the bottom edge. Rather, Lucas, Jr. et al. disclose a rotary blade cutter having a housing of a circular shape for enclosing the star shaped cutter and Kaiser et al. disclose a serrated blade. As described on page 5, line 34 through page 6, line 3, the blade angle provides optimal performance of cutting.

Claim 2 was rejected under 35 U.S.C. § 103(a) as obvious in view of Lucas, Jr. et al. in combination with Kaiser et al. and U.S. Patent No. 4,960,022 to Chuang.

Chuang discloses a plastic film cutter using rollers for engaging and maintaining the film in a tensioned state. The cutter has a concave surface.

In contrast to the invention defined by the present claims, Chuang does not teach or suggest rails being formed of a material providing an attraction to film received over the rails to cling the plastic wrap before and after cutting of the plastic wrap. Rather, Chuang uses rollers for engaging and maintaining the film in a tensioned state. Thus, Chuang does not cure the deficiencies of Lucas, Jr. et al., and Kaiser et al., as noted above. Accordingly, the invention

defined by the present claim 2 is not obvious in view of Lucas, Jr. et al. and Kaiser et al. in combination with Chuang.

Claims 16 and 17 was rejected under 35 U.S.C. § 103(a) as obvious in view of Lucas, Jr. et al. in combination with Kaiser et al. and U.S. Patent No. 5,398,576 to Chiu.

Chiu discloses a cutting device for a roll of film including a cutter placed on a positioning unit. A guide unit includes two vertical plates projecting downwardly from the rear portion of the cutter through the slot and two horizontal plates that project outwardly from the lower edge of the vertical plates. The length of the vertical plates is slightly longer than the thickness of the top wall of the positioning unit so that the front portion of the sliding body can turn somewhat upwardly to facilitate cutting of the protective film by the cutting edge of the blade. The positioning unit further includes an upright front stop plate which is mounted securely on the front end portions of the side and top walls of the positioning unit, and an upright rear stop plate which is mounted removably on the rear end portions of the side and top walls of the positioning unit so as to permit removal of the cutter from the positioning unit.

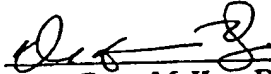
In contrast to the invention defined by the present claims, Chiu does not teach or suggest a pair of end caps releasably attached to either end of said elongated rail base for providing a bumper of said tracking device in said channel with said end caps, said end caps releasing upon application of excessive force. Rather, Chiu discloses that only one of the plates can be removed and does not teach or suggest removal of a pair of plates upon application of the excessive force.

Further, in contrast to the invention defined by the present claims as noted above, Chiu does not teach or suggest rails being formed of a material providing an attraction to plastic wrap received over the rails to cling the plastic wrap to the rails before and after cutting of the plastic wrap. Rather, Chiu uses the shape of the cutter to allow the sliding body to turn upward in order to prevent bunching of the film. Thus, Chiu does not cure the deficiencies of Lucas, Jr. et al. and Kaiser et al. noted above. Accordingly, the invention defined by the present claims 16 and 17 is not obvious in view of Lucas, Jr. et al. in combination with Chiu.

In view of the foregoing, Applicants submit that all pending claims are in condition for allowance and request that all claims be allowed. The Examiner is invited to contact the undersigned should he believe that this would expedite prosecution of this application. It is believed that no fee is required. The Commissioner is authorized to charge any deficiency or credit any overpayment to Deposit Account No. 13-2165.

Respectfully submitted,

Dated: September 8, 2006

  
Dianc Dunn McKay, Esq.  
Reg. No. 34,586  
Attorney for Applicant

MATHEWS, SHEPHERD, McKAY & BRUNEAU, P.A.  
29 Thanet Road, Suite 201  
Princeton, NJ 08540  
Tel: 609 924 8555  
Fax: 609 924 3036